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online

**ORDINANCE NUMBER 2741**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW COLLOCATION OF TWO MICROWAVE DISH ANTENNAS ON AN EXISTING 78-FOOT TALL MONOPOLE TOWER, LOCATED ON A 9.0 ACRE TRACT AT 13850 DIPLOMAT DRIVE, WITHIN THE PLANNED DEVELOPMENT NUMBER 22 ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter and Code of Ordinances of the City of Farmers Branch, and State law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow collocation of two microwave dish antennas on an existing 78-foot tall monopole tower, located in a 1400 square foot lease area (see Exhibit "A") at the southeast corner of a 9.0 acre tract at 13850 Diplomat Drive (see Exhibit "B"), within the Planned Development Number 22 zoning district.

SECTION 3. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended by the granting of a specific use permit for collocation of two microwave dish antennas on an existing 78-foot tall monopole tower situated in accordance with the lease area attached as Exhibit "A" and the approved site plan attached as Exhibit "C" and subject to the following condition:

1. That the owner(s) of the monopole, the two existing antenna systems mounted on the monopole, and the two proposed microwave dish antennas shall remove their respective antenna systems and all appurtenances including the monopole and any associated equipment buildings or cabinets within ninety (90) days subsequent to such time that the antennas and/or monopole become obsolete and/or the use is abandoned



SECTION 4. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of two-thousand (\$2,000.00) dollars for each offense.

SECTION 6. In addition to, and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. This ordinance shall take effect immediately from and after its passage, as the law in such case provides.

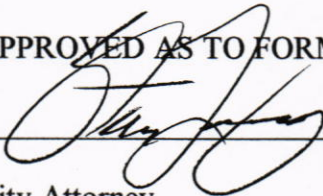
Duly passed by the City Council of the City of Farmers Branch, Texas, on this the 22<sup>nd</sup> day of September, 2003.

APPROVED:



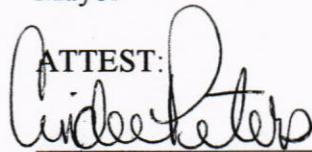
Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary

EXISTING LEASE SITE (AT&T)

BEING a 1400 square foot tract of land situated in the S.A. & M.G.R.R. Company Survey, Abstract No. 28, said tract being in Lot 5, Block 7, Replat Lots 3 and 4, Block 7, Valwood Park, Farmers Branch - Phase II, an addition to the city of Farmers Branch, Dallas County, Texas, as recorded in Volume 85212, page 4198, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at the southeast corner of the herein described tract said corner being N22°06'53"W, for 64.72 feet from the southeast corner of said Lot 5;

THENCE S89°53'12"W, for 70.00 feet to the southwest corner of the herein described lease site;

THENCE N00°34'20"E, for 20.00 feet to the northwest corner of the herein described lease site;

THENCE N89°53'12"E, for 70.00 feet to the northeast corner of the herein described lease site;

THENCE S00°34'20"W, for 20.00 feet to the POINT OF BEGINNING, and containing 1400 square feet of land.

EXISTING LEASE SITE (NEXTEL)

BEING a 218 square foot lease site situated in the S.A. & M.G.R.R. Company Survey, Abstract No. 1418, and being in Lot 5, Block 7, Replat Lots 3 and 4, Block 7, Valwood Park Farmers Branch - Phase II, an addition to the city of Farmers Branch, Dallas County, Texas, as recorded in Volume 85212, Page 4198, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a set 1/2" capped iron rod for the southeast corner of the herein described lease site, said iron rod being N11°22'21"W, for 66.71 feet from the southwest corner of said Lot 5;

THENCE S88°47'22"W, for 26.50 feet to a found fence post for the southwest corner of the herein described lease site;

THENCE N01°12'38"W, for 12.00 feet to a found fence post for the northwest corner of the herein described lease site;

THENCE N88°47'22"E, for 26.50 feet to a set 1/2" capped iron rod for the northeast corner of the herein described lease site;

THENCE S01°12'38"E, for 12.00 feet to the POINT OF BEGINNING, and containing 318 square feet of land.

EXHIBIT "A"

OVERALL DESCRIPTION

BEING a 9.0 acre tract of land situated in the S.A. & M.A. Company Survey, Abstract No. 1418, and the J.A. Armstrong Survey, Abstract No. 28, said tract being Lot 5, Block 7, Replat Lots 3 and 4, Block 7, Valwood Park Farmers Branch Phase II, an addition to the City of Farmers Branch, Dallas County, Texas, as recorded in Volume 55212, Page 4196, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a found 1/2" capped iron rod for the southeast corner of said Lot 5, and being in the west line of the Chicago, Rock Island & Gulf Railway (100' right-of-way) as conveyed to the city of Dallas as recorded in Volume 86057, Page 342;

THENCE S89°53'12"W, along the south line of said Lot 5, and leaving the east line of said Chicago, Rock Island & Gulf Railway, for 723.58 feet to a found 1/2" capped iron rod in the east line of Diplomat Drive (variable width right-of-way), and being the southwest corner of said Lot 5;

THENCE N00°06'48"W, along the east line of said Diplomat Drive, for 62.72 feet to a found x in concrete for the point of curvature of a tangent curve, concave to the west, having a radius of 400.00' and a central angle of 17°15'14";

THENCE northerly along said curve, for 120.45 feet to a found x in concrete for the point of curvature of a compound curve, concave to the east, having a radius of 400.00' a central angle of 17°15'14", and a chord bearing of S08°44'25"E, and a chord distance of 120.00 feet;

THENCE, northerly continuing along the east line of said Diplomat Drive and along said curve, a distance of 120.45 feet to a found 1/2" capped iron rod for corner;

THENCE N00°06'48"W, continuing along east line of said Diplomat Drive, for 170.00 feet to a found x in concrete for the point of curvature of a tangent curve, concave to the southeast, having a radius of 30.00 feet and a central angle of 90°00'00";

THENCE northerly, continuing along the east line of said Diplomat Drive and along said curve, for 47.12 feet to a found x in concrete for corner;

THENCE N89°53'12"E, leaving the east line of said Diplomat Drive, and along the north line of said Lot 5 for 353.91 feet to a found x in concrete for corner;

THENCE N89°33'22"E, continuing along north line of said Lot 5 for 409.45 feet to a found 1/2" capped iron rod for the northeast corner of said Lot 5, and being in the west line of said Chicago, Rock Island & Gulf Railway;

THENCE S07°43'17"W, along the west line of said railway, for 354.3 feet to a found 1/2" capped iron rod for corner;

THENCE S09°33'40"W, continuing along the west line of said railway, for 143.42' to the POINT OF BEGINNING and containing 9.0 acres (392750 square feet) of land.

EXHIBIT "B"





